



Inland Empire Waterkeeper

Advocacy • Education • Restoration • Enforcement

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April 17, 2015

VIA CERTIFIED MAIL

The Herrick Corporation
CT Corporation System
818 West Seventh St
2nd Floor
Los Angeles, CA 90017

San Bernardino Steel, Inc.
Attn: Peter J. Avila
3003 E. Hammer Lane
Stockton, CA 95212

Big Bear City Community Services Dist.
Attn: Nick Bruinsma
P.O. Box 558
Big Bear City, CA 95208

Re: Notice of Violation and Intent to File Suit Under the Clean Water Act

To Whom It May Concern:

I am writing on behalf of Inland Empire Waterkeeper and Orange County Coastkeeper (collectively "Waterkeeper") regarding violations of the Clean Water Act¹ and California's General Industrial Storm Water Permit² ("Storm Water Permit") occurring at San Bernardino Steel, located at: 5454 Industrial Parkway, San Bernardino, California 92407 ("SBS Facility" or "Facility"). This letter is being sent to you as the responsible owner(s) and/or operator(s) of the SBS Facility, or as the registered agent for this entity. This letter puts The Herrick Corporation, San Bernardino Steel, Inc., and the Big Bear City Community Services District (hereinafter referred to as the "SBS Facility Owners and/or Operators") on notice of the violations of the Storm Water Permit occurring at the Facility, including, but not limited to, discharges of polluted storm water from the Facility into local surface waters. Violations of the Storm Water Permit are violations of the Clean Water Act. As explained below, SBS Facility Owners and/or Operators are liable for violations of the Storm Water Permit and the Clean Water Act.

Section 505(b) of the Clean Water Act, 33 U.S.C. § 1365(b), requires that sixty (60) days prior to the initiation of a civil action under Section 505(a) of the Clean Water Act, 33 U.S.C. § 1365(a), a citizen must give notice of his/her intention to file suit. Notice must be given to the alleged violator (which shall be accomplished by certified mail addressed to, or by personal service upon, the owner or managing agent of the facility alleged to be in violation), the

¹ Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 *et seq.*

² National Pollution Discharge Elimination System ("NPDES") General Permit No. CAS000001, Water Quality Order No. 92-12-DWQ, as amended by Order No. 97-03-DWQ.



Administrator of the United States Environmental Protection Agency ("EPA"), the Regional Administrator of the EPA, the Executive Officer of the water pollution control agency in the State in which the violations occur, and, if the alleged violator is a corporation, the registered agent of the corporation. *See* 40 C.F.R. § 135.2(a)(1).

By this letter issued pursuant to 33 U.S.C. §§ 1365(a) and (b) of the Clean Water Act, (hereinafter "Notice Letter"), Waterkeeper puts the SBS Facility Owners and/or Operators on notice that after the expiration of sixty (60) days from the date of this Notice Letter, Waterkeeper intends to file an enforcement action in Federal court against it for violations of the Storm Water Permit and the Clean Water Act.

I. BACKGROUND

A. Inland Empire Waterkeeper and Orange County Coastkeeper.

Inland Empire Waterkeeper's office is located at 6876 Indiana Avenue, Suite D, Riverside, California 92506. Inland Empire Waterkeeper is a chapter of Orange County Coastkeeper. Orange County Coastkeeper is a non-profit public benefit corporation organized under the laws of the State of California with its office at 3151 Airway Avenue, Suite F-110, Costa Mesa, California 92626. Together, Inland Empire Waterkeeper and Orange County Coastkeeper have over 2,000 members who live and/or recreate in and around the Santa Ana River watershed. Waterkeeper is dedicated to the preservation, protection, and defense of the environment, wildlife, and natural resources of the Inland Empire watershed. To further these goals, Waterkeeper actively seeks federal and state agency implementation of the Clean Water Act, and, where necessary, directly initiates enforcement actions on behalf of itself and its members.

Members of Waterkeeper use and enjoy the waters that the SBS Facility discharges into, including the Santa Ana River and its tributaries. Members of Waterkeeper use and enjoy the Santa Ana River and its tributaries to picnic, hike, view wildlife, and engage in scientific study including monitoring activities. The discharge of pollutants from the SBS Facility impairs each of these uses. Further, discharges of polluted storm water from the SBS Facility are ongoing and continuous. Thus, the interests of Waterkeeper's members have been, are being, and will continue to be, adversely affected by SBS's failure to comply with the Clean Water Act and the Storm Water Permit.

B. The Owners and/or Operators of the SBS Facility.

Information available to Waterkeeper indicates that The Herrick Corporation ("Herrick Corp.") is an owner and/or operator of the SBS Facility. Herrick Corp. is an active corporation registered in California. The registered agent for Herrick Corp. is CT Corporation System, 818 West Seventh Street, 2nd Floor, Los Angeles, CA 90017.

Information available to Waterkeeper indicates that the San Bernardino Steel, Inc. is an owner and/or operator of the SBS Facility. San Bernardino Steel, Inc. is an active corporation in



California. The registered agent for San Bernardino Steel, Inc. is Peter J. Avila, 3003 E. Hammer Lane, Stockton, CA 95212.

Information available to Waterkeeper indicates that the Big Bear City Community Services District (BBCCSD) is also an owner and/or operator of the SBS Facility, operating under Waste Discharge Permit # 8 36I002460. BBCCSD is a "public agency" as defined by California Government Code section 53050 and has been confirmed by the California Secretary of State's Office to be listed on the Roster of Public Agencies. Therefore, it is subject to the California Government Claim's Act, Government Code section 900, *et seq.* for purposes of notice and service.

The SBS Facility Owners and/or Operators have violated and continue to violate the procedural and substantive terms of the Storm Water Permit including, but not limited to, the illegal discharge of pollutants from the SBS Facility into local surface waters. As explained herein, the SBS Owners and/or Operators are liable for violations of the Storm Water Permit and the Clean Water Act.

C. The SBS Facility's Storm Water Permit Coverage

Certain classified facilities that discharge storm water associated with industrial activity are required to apply for coverage under the Storm Water Permit by submitting a Notice of Intent ("NOI") to the State Water Resources Control Board ("State Board") to obtain Storm Water Permit coverage. Storm Water Permit, Finding #3. SBS first obtained Storm Water Permit coverage in March 1992. The NOI identifies the owner/operator of the SBS Facility as "The Herrick Corporation" and the Facility name and location as "San Bernardino Steel, 5454 N. Industrial Parkway, San Bernardino, CA 92407-1859." A second NOI was approved on April 1, 1992 for the SBS Facility filed by Big Bear City Community Services District. A third NOI, identified as the Notice of Intent for Existing Facility Operators, was submitted by The Herrick Corp. on May 27, 1997. Each NOI lists the Waste Discharge Identification ("WDID") number for the SBS Facility as 8-36I002420.

Each NOI identifies the Facility's Standard Industrial Classification (SIC) code as 3441, which is defined as "fabricated structural metal." Facilities classified as SIC code 3441 are considered "Manufacturing Facilities," which are regulated by the Storm Water Permit site wide. *See* Storm Water Permit, Attachment 1. The first and second NOIs list the size of the SBS Facility as forty eight (48) acres. Information available to Waterkeeper indicates the SBS Facility spans an areas of approximately sixty (60) acres. 2015 Storm Water Pollution Prevention Plan. The Storm Water Permit applies to the entire SBS Facility. Storm Water Permit, Attachment 1.

D. Storm Water Pollution and the Waters Receiving the SBS Facility's Discharges.

With every significant rainfall event, millions of gallons of polluted storm water originating from industrial operations, such as SBS's, pour into storm drains and local



waterways. The consensus among agencies and water quality specialists is that storm water pollution accounts for more than half of the total pollution entering surface waters each year. Such discharges of pollutants from industrial facilities contribute to the impairment of downstream waters and aquatic dependent wildlife. These contaminated discharges can and must be controlled for the ecosystem to regain its health.

Polluted discharges from structural steel fabrication facilities, such as the SBS Facility, contain heavy metals (including zinc, copper, lead, aluminum and iron); total suspended solids ("TSS"); hydraulic fluids; transmission fluids; lubricating fluids; radiator fluids; antifreeze; diesel; motor oils; waste oils; solvents; paints; petroleum hydrocarbons; acids; bases; detergents; degreasers; and oil and grease; and pH affecting substances.

Storm water discharges from the SBS Facility drain into Cable Creek, which then flows to the Devil Creek diversion, connecting to Cajon Creek. Cajon Creek joins Lytle Creek, discharging to Reach 4 of the Santa Ana River, and eventually the Pacific Ocean (Cable Creek, Devil Creek diversion, Cajon Creek, Lytle Creek and the Santa Ana River are hereinafter collectively referred to as the "Receiving Waters"). The Receiving Waters are ecologically sensitive areas. Although pollution and habitat destruction have drastically diminished once-abundant and varied fisheries, these waters are still essential habitat for dozens of fish and bird species as well as macro-invertebrate and invertebrate species. Storm water and non-storm water contaminated with sediment, heavy metals, and other pollutants harm the special aesthetic and recreational significance that the Receiving Waters have for people in the surrounding communities. The public's use of local waterways exposes many people to toxic metals and other contaminants in storm water discharges. Non-contact recreational and aesthetic opportunities, such as wildlife observation, are also impaired by polluted discharges to the Receiving Waters.

The California Regional Water Quality Control Board, Santa Ana Region Regional Board ("Regional Board") issued the *Santa Ana River Basin Water Quality Control Plan* ("Basin Plan"). The Basin Plan identifies the "Beneficial Uses" of water bodies in the region. The Beneficial Uses for Cable Creek include: Municipal and Domestic Supply (MUN); Water Contact Recreation (REC 1); Non-contact Water Recreation (REC 2); Groundwater Recharge (GWR); Warm Freshwater Habitat (WARM); Cold Freshwater Habitat (COLD); and Wildlife Habitat (WILD). *See* Basin Plan at Table 3-1. The SBS Facility discharges polluted storm water into Cable Creek, which flows into the Devil Creek diversion and Cajon Creek. *Id.* The Beneficial Uses for Devil Creek and Cajon Creek include: Municipal and Domestic Supply (MUN); Groundwater Replenishment (GWR); Water Contact Recreation (REC 1); Non-contact Water Recreation (REC 2); Cold Freshwater Habitat (COLD); Wildlife Habitat (WILD); and for Cajon Creek specifically, Rare, Threatened or Endangered Species (RARE). *Id.* Downstream of the confluence with the Devil Creek diversion, Cajon Creek joins Lytle Creek, whose Beneficial Uses include: Municipal and Domestic Supply (MUN); Agricultural Supply (AGR); Industrial Service Supply (IND); Industrial Process Supply (PROC); Groundwater Recharge (GWR); Hydropower Generation (POW); Water Contact Recreation (REC 1); Non-contact Water Recreation (REC 2); Cold Freshwater Habitat (COLD); Wildlife Habitat (WILD); and Rare, Threatened or Endangered Species (RARE). *Id.* Lytle Creek connects with Reach 4 of the Santa



Ana River, which discharges to the Pacific Ocean. The Beneficial Uses of the Reach 4 of the Santa Ana River include: Groundwater Replenishment (GWR); Water Contact Recreation (REC 1)³; Non-contact Water Recreation (REC 2); Warm Freshwater Habitat (WARM); and Wildlife Habitat (WILD). *Id.* According to the 2010 303(d) List of Impaired Water Bodies, Reach 3 of the Santa Ana River is impaired for pollutants such as copper.⁴ Polluted discharges from industrial sites, such as the SBS Facility, contribute to the degradation of these already impaired surface waters and aquatic-dependent wildlife.

II. THE SBS FACILITY AND ASSOCIATED DISCHARGES OF POLLUTANTS

A. The SBS Facility Site Description

Information available to Waterkeeper indicates that the SBS Facility is a structural steel fabrication facility approximately sixty (60) acres in size and thirty (30) percent impervious. The facility is located near Interstate 215 and is bordered by Industrial Parkway to the north, railroad tracks to the west, Cable Creek to the south and east, and an industrial facility to the northwest. The Facility reports that a concrete trench separates it from the adjacent industrial property. The points of egress/ingress to the Facility include two (2) driveways leading to Industrial Parkway. These driveways divide the property approximately into thirds and lead to the Facility's paved parking area. The Facility has four buildings onsite. The smallest is the office, located at the western end of the parking area. Manufacturing takes place within two larger buildings—the Main Plant and West Plant—located in the middle of the property, with diesel fuel and oil stored between them. Truck fueling and shipping activities occur on the western side of the Plants. Finally, a Detail Shop is located east of the Main Plant building, near the east entrance to the Facility.

Information available to Waterkeeper indicates that the facility includes roofed buildings, asphalt areas, concrete areas, and gravel areas. The divided site is comprised of 4.9 acres of roofed buildings, 2.8 acres of asphalt areas, 1.0 acres of concrete areas, and 51.3 acres of gravel. Outdoor steel staging and material handling is done outdoors and manufacturing occurs indoors. Storm water drains towards the south of the property. The Facility is sited on a generally flat surface, with no significant sloping. The Facility has estimated that it generates 498,630 gallons of storm water runoff per inch of rain. The site has two discharge points, referred to as "Outfalls" according to the SWPPP and Annual Reports. The Outfalls discharge directly to Devil Creek Diversion Channel, which connects to Cajon Creek. Cajon Creek joins Lytle Creek, discharging to Reach 4 of the Santa Ana River, and eventually the Pacific Ocean.

³ Access prohibited in some portions by San Bernardino County Flood Control

⁴ 2010 Integrated Report – All Assessed Waters, *available at* http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml (last accessed on April 8, 2014).



B. SBS's Industrial Activities and Associated Pollutants.

According to the SBS SWPPP, the Facility is a structural steel fabrication facility. The Facility fabricates columns for large, multi-story, steel frame buildings. Common activities at such facilities include metal preparation, parts/tools cleaning, metal surface cleaning, painting operations, surface treatment, clean up of spills and drips, galvanizing, heavy equipment use and storage, materials storage, and equipment/vehicle maintenance. Each of these activities is a potential pollutant source through the fluids, solvents, cleaners, cuttings, scraps, turning, fines, containers, coatings, and fuel created by the process or required to maintain it.

Pollutants associated with operations at the Facility include, but are not limited to: metals (such as aluminum, iron, copper, nickel, manganese, and zinc); spent solvents; chemical oxygen demand; brass; Teflon; hexavalent chromium; fuels; paints; solvents; mineral spirits; aromatic solvents; nitrates; nitrites; carbon; phosphates; borates; hydrofluoric acids; Total Suspended Solids; Oil and Grease; chromates; and pH-affecting substances. SBS has not properly developed and/or implemented the required best management practices ("BMPs") to address pollutant sources and contaminated discharges. BMPs are necessary at the SBS Facility to prevent the exposure of pollutants to precipitation and the subsequent discharge of polluted storm water from the Facility during rain events. Consequently, during rain events, storm water carries pollutants from the Facility's uncovered staging areas, contaminated ground and floors, equipment, washing areas, refueling areas, and other areas into the storm sewer system, which flows into the Receiving Waters, in violation of the Storm Water Permit.

Information available to Waterkeeper, indicates that large lengths of industrial steel are stored outdoors, uncovered. Steel staging occurs at the western, southern, and eastern portions of the Facility. The Facility lacks adequate cover for its steel to prevent storm water and non-storm water exposure to pollutant sources. The resulting illegal discharges of polluted water impact Waterkeeper's members' use and enjoyment of the Receiving Waters by increasing the quantity of pollutants in the Receiving Waters and by posing risks to human health and aquatic life.

Information available to Waterkeeper indicates that the Facility also handles and stores paint, diesel fuel, lubricating and hydraulic oils and welding supplies. The storage and maintenance of vehicles and equipment, storage of materials, and industrial activities occur outdoors without adequate cover to prevent storm water and non-storm water exposure to pollutant sources, and without secondary containment or other adequate treatment measures to prevent polluted storm water and non-storm water from discharging from the Facility. Further, information available to Waterkeeper indicates that the pollutants associated with the Facility have been and continue to be tracked throughout the Facility. This results in trucks and vehicles tracking sediment, dirt, fugitive dust, oil and grease, metal particles, and other pollutants off-site. These activities are all significant pollutant sources at the Facility.

SBS Facility Owners' and/or Operators' failure to develop and/or implement required BMPs also results in prohibited discharges of non-storm water in violation of the Storm Water Permit and the Clean Water Act. Information available to Waterkeeper indicates that the SBS Facility discharges process waters from equipment washing, dust suppression, and other



activities as part of its industrial operations. These illegal discharges of polluted storm and non-storm water negatively impact Waterkeeper's members' use and enjoyment of the Receiving Waters by degrading the quality of the Receiving Waters and by posing risks to human health and aquatic life.

C. SBS Facility Storm Water Flow and Discharge Locations.

The SBS Facility Owners and/or Operators report that storm water polluted by the SBS Facility's industrial operations is discharged to the Receiving Water via two discharge points located throughout the Facility. Information available to Waterkeeper, including the SBS Annual Reports and SWPPP, indicate the SBS Facility has two storm water discharge points. Information available to Waterkeeper shows that both Discharge Points #1 and #2 are located in the north portion of the facility, discharging directly into the Devil Creek Diversion Channel. Discharge Point #1 is located towards the west of the Facility's northern border, receiving runoff directly from a steel staging area. Discharge Point #2 is located at the Facility's northeast property border, receiving runoff from steel staging areas, the manufacturing facilities, and possibly the paved parking areas. The Facility's Annual Reports indicate that the Facility also has four drains along its eastern/southeastern border that flow into Discharge Point #2.

The SBS Facility Owners and/or Operators have not properly developed and/or implemented the required BMPs to address pollutant sources, to prevent the exposure of pollutants to storm water, or to prevent the subsequent discharge of polluted storm water from the SBS Facility during rain events. Consequently, during rain events, storm water carries pollutants from the Facility's uncovered storage areas, ground and floors, and other sources into the storm sewer system on and adjacent to the SBS Facility, which flows into the Receiving Waters.

III. VIOLATIONS OF THE CLEAN WATER ACT AND THE STORM WATER PERMIT

In California, any person who discharges storm water associated with industrial activity must comply with the terms of the Storm Water Permit in order to lawfully discharge pollutants. *See* 33 U.S.C. §§ 1311(a), 1342; 40 C.F.R. § 122.26(c)(1); *see also* Storm Water Permit, Fact Sheet at VII.

A. Discharges of Polluted Storm Water from the SBS Facility in Violation of Effluent Limitation B(3) of the Storm Water Permit

Effluent Limitation B(3) of the Storm Water Permit requires dischargers to reduce or prevent pollutants associated with industrial activity in storm water discharges through implementation of best management practices ("BMPs") that achieve best available technology economically achievable ("BAT") for toxic pollutants⁵ and best conventional pollutant control

⁵ Toxic pollutants are listed at 40 C.F.R. § 401.15 and include copper, lead, and zinc, among others.



technology ("BCT") for conventional pollutants.⁶ Benchmark Levels are relevant and objective standards to evaluate whether a permittee's BMPs achieve compliance with BAT/BCT standards as required by Effluent Limitation B(3) of the Storm Water Permit.⁷

Storm water sampling at the SBS Facility demonstrates that the Facility's storm water discharges contain concentrations of pollutants above the Benchmark Levels. Attachment B contains a table listing the Facility's storm water samples exceeding Benchmark Level(s), as reported to the Regional Board by the SBS Facility Owners and/or Operators, since the 2009-2010 Annual Reporting year.

The repeated and significant exceedances of Benchmark Levels demonstrate that the SBS Facility Owners and/or Operators have failed, and continue to fail, to develop and/or implement BMPs that achieve compliance with BAT/BCT standards. Information available to Waterkeeper indicates that the SBS Facility Owners and/or Operators violate Effluent Limitation B(3) of the Storm Water Permit each time storm water is discharged from the SBS Facility without developing and/or implementing BMPs that achieve compliance with the BAT/BCT standards, including, but not limited to, the dates identified in Attachment A.

These discharge violations are ongoing and will continue each day the SBS Facility Owners and/or Operators discharge polluted storm water without developing and/or implementing BMPs that achieve compliance with the BAT/BCT standards. Waterkeeper will update the number and dates of violations when additional information and data becomes available.⁸ Each time the SBS Facility Owners and/or Operators discharge polluted storm water in violation of Effluent Limitation B(3) of the Storm Water Permit is a separate and distinct violation of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). The SBS Facility Owners and/or Operators are subject to civil penalties for all violation of the Clean Water Act occurring since at least April 17, 2010.

⁶ Conventional pollutants are listed at 40 C.F.R. § 401.16 and include biological oxygen demand, total suspended solids, oil and grease, and pH, among others.

⁷ See United States Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP) Authorization to Discharge Under the National Pollutant Discharge Elimination System, as modified effective May 27, 2009 ("Multi-Sector Permit"), Fact Sheet at 106; *see also*, EPA Storm Water Multi-Sector Permit, 65 Federal Register 64839 (2000); *see also* 73 Federal Register 56572 (2008).

⁸ Attachment A sets forth dates of significant rain events as measured at the rain gauge near the facility from April 12, 2010 to April 17, 2015. A significant event is defined by EPA as a rainfall event generating 0.1 inches or more of rainfall, which generally results in measurable discharges at a typical industrial facility, which would include the SBS Facility.

B. Discharges of Polluted Storm Water from the SBS Facility in Violation of Receiving Water Limitations C(1) and C(2) of the Storm Water Permit

Receiving Water Limitation C(1) of the Storm Water Permit prohibits storm water discharges and authorized non-storm water discharges to surface water or groundwater that adversely impact human health or the environment. Discharges that contain pollutants in concentrations that exceed levels known to adversely impact aquatic species and the environment constitute violations of Receiving Water Limitation C(1) of the Storm Water Permit and the Clean Water Act. Receiving Water Limitation C(2) of the Storm Water Permit prohibits storm water discharges and authorized non-storm water discharges that cause or contribute to an exceedance of an applicable Water Quality Standard ("WQS").⁹ Applicable WQSs include, among others, the Criteria for Priority Toxic Pollutants in the State of California, 40 C.F.R. § 131.38 ("CTR"). The Basin Plan sets out additional WQSs for Inland Surface Waters, including WQSs for pH and metals. Discharges that contain pollutants in excess of an applicable WQS violate Receiving Water Limitation C(2) of the Storm Water Permit and the Clean Water Act.

Information available to Waterkeeper indicates that storm water discharges from the SBS Facility contain elevated concentrations of pollutants such as zinc and that similar industrial facilities discharge pollutants such as copper and lead. The Receiving Waters are impaired for copper and lead. Information available to Waterkeeper indicates that storm water discharges from the SBS Facility containing elevated concentrations of pollutants can be acutely toxic and/or have sub-lethal impacts on the avian and aquatic wildlife in the Receiving Waters. Information available to Waterkeeper further indicates that storm water discharges from the SBS Facility containing elevated concentrations of pollutants cause or contribute to a violation of an applicable WQS. Attachment B contains a table with the dates on which storm water discharges from the Facility exceeded benchmarks and WQS since the 2009-2010 Wet Season.

The repeated exceedances of WQSs demonstrate that the SBS Facility Owners and/or Operators have violated, and continue to violate, Receiving Water Limitation C(1) and/or Receiving Water Limitation C(2). Waterkeeper puts SBS's Facility Owners and/or Operators on notice that they violate Receiving Water Limitation C(1) and/or Receiving Water Limitation C(2) each time storm water discharges from the Facility containing pollutants that adversely affect human health or the environment and/or cause or contribute to a violation of an applicable WQS including, but not limited to, the dates identified in Attachment B. Each discharge of storm water from the SBS Facility that adversely impacts human health or the environment is a separate and distinct violation of Receiving Water Limitation C(1) of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). Each discharge of storm water from the SBS Facility that causes or contributes to a violation of an applicable WQS is a separate and distinct violation of Receiving Water Limitation C(2) of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). These discharge violations are ongoing and Waterkeeper will update the dates of violation when additional information and data becomes

⁹ WQS include pollutant concentration levels determined by the State Water Resources Control Board and the EPA to be protective of the Beneficial Uses of receiving waters. Discharges above WQS contribute to the impairment of the receiving waters' Beneficial Uses.



available. The SBS Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since industrial operations began, which appears to be since at least April 17, 2010.

C. Failure to Develop, Implement, and/or Revise an Adequate Storm Water Pollution Prevention Plan.

Section A(1) and Provision E(2) of the Storm Water Permit require dischargers to have developed and implemented a SWPPP that meets all of the requirements of the Storm Water Permit before beginning industrial activities. The objective of the SWPPP requirement is to identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm water discharges and non-storm water discharges from the SBS Facility, and to identify and implement site-specific BMPs to reduce or prevent pollutants associated with industrial activities in storm water discharges and non-storm water discharge. Storm Water Permit, Section A(2). These BMPs must achieve compliance with the Storm Water Permit's Effluent Limitations and Receiving Water Limitations. To ensure compliance with the Storm Water Permit, the SWPPP must be evaluated on an annual basis pursuant to the requirements of Section A(9). The SWPPP must also be revised as necessary to ensure compliance with the Storm Water Permit. *Id.*, Sections A(9) and A(10).

Sections A(3) – A(10) of the Storm Water Permit set forth the requirements for a SWPPP. Among other information, the SWPPP must include: identification of individual(s) and their responsibilities in developing, implementing, and revising the facility's SWPPP (*see* Storm Water Permit, Section A(3)(a)); a site map showing the facility boundaries, storm water drainage areas with flow patterns, nearby water bodies, the location of the storm water collection, conveyance and discharge system(s), structural control measures, areas of actual and potential pollutant contact, and areas of industrial activity (*see* Section A(4)); a list of significant materials handled and stored at the site (*see* Section A(5)); a narrative description of potential pollutant sources including industrial processes, material handling and storage areas, dust and particulate generating activities; a description of significant spills and leaks; a list of all non-storm water discharges and their sources; and a description of locations where soil erosion may occur (*see* Section A(6)). Sections A(7) and A(8) require a narrative assessment of all industrial activities and potential pollutant sources at the facility and a description of the additional BMPs to be implemented at the facility that will reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges, including structural BMPs where non-structural BMPs are not effective.

Information available to Waterkeeper indicates that SBS Facility Owners and/or Operators have been conducting, and continue to conduct, operations at the SBS Facility with an inadequately developed, implemented, and/or revised SWPPP. First, the current SWPPP for the SBS Facility fails to include an adequate site map in violation of Section A(4) of the Storm Water Permit. For example, the site map included with the SBS Facility SWPPP does not provide a description of: areas of dust and particulate generating activities; an outline of all impervious areas; or areas of soil erosion. By failing to include all of these necessary portions in the site map, SBS is in violation of Section A(4) of the Storm Water Permit.



The SBS Facility does not fulfill the Storm Water Permit requirements for other reasons as well. For example, Section A(6) of the Storm Water Permit requires a facility's SWPPP to include a narrative description of the facility's industrial activities, including material handling and storage areas. The description must include the type, storage, and quantity of significant materials handled or stored, and a description of the shipping, receiving, and loading procedures. The SWPPP states that most of SBS's outdoor activities are associated with steel staging and material handling. Large structural steel lengths are delivered via truck to SBS where it is unloaded and staged outdoors until it is moved indoors for use in manufacturing. The SWPPP fails to describe the quantity of steel handled or stored or the shipping, receiving, and loading procedures sufficient to satisfy the requirements of Section A(6) of the Storm Water Permit.

Finally, SBS has failed, and continues to fail, to develop, implement, and/or revise its SWPPP as necessary, as required by Section A(9) and A(10), to ensure that the SWPPP contains adequate BMPs to prevent the exposure of pollutant sources to storm water and the subsequent discharge of polluted storm water from the SBS Facility. For example, Waterkeeper's review of Regional Board documents indicates that SBS's most recent SWPPP is dated March 9, 2015. Since at least April 17, 2010, polluted storm water has discharged from the SBS Facility on dozens of occasions, evidencing that SBS has inadequately developed and/or implemented BMPs at the Facility. *See* Attachment A. SBS's annual site inspections and storm water sampling have put SBS on notice that existing BMPs established under the previous SWPPP have failed to prevent storm water exposure to pollutants. However, Section 11.0 of the existing SWPPP proposes no site improvements after an initial SWPPP audit of the facility. SBS's failure to revise the SWPPP after samples indicate BMPs are inadequate to satisfy BAT/BCT standards is a violation of Section A(9) and A(10) of the Storm Water Permit.

These examples of SWPPP deficiencies demonstrates that the SBS Facility Owners and/or Operators have failed to develop, implement, and/or revise a SWPPP that complies with the requirements of Section A and Provision E(2) of the Storm Water Permit. The Facility Owners and/or Operators have been, and will continue to be, in violation of the SWPPP requirements each day they operate with an inadequately developed, implemented, and/or revised SWPPP. Every day the SBS Facility Owners and/or Operators operates the SBS Facility with an inadequately developed, implemented, and/or revised SWPPP is a separate and distinct violation of the Storm Water Permit and the Clean Water Act. These violations are ongoing, and Waterkeeper will include additional violations as information and data become available. The SBS Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since at least April 17, 2010.

D. Failure to Develop, Implement, and/or Revise an Adequate Monitoring and Reporting Program.

Section B(1) and Provision E(3) of the Storm Water Permit requires facility operators to develop and implement an adequate monitoring and reporting plan ("M&RP") by October 1, 1992, or prior to the commencement of industrial activities at a facility, that meets all of the requirements of the Storm Water Permit. The primary objective of the M&RP is to detect and measure the concentrations of pollutants in a facility's discharge to ensure compliance with the



Storm Water Permit's Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations. *See* Storm Water Permit, Section B(2). The M&RP must therefore ensure that BMPs are effectively reducing and/or eliminating pollutants at the facility, and are evaluated and revised whenever appropriate to ensure compliance with the Storm Water Permit. *See id.* Dischargers must also revise the M&RP to ensure that BMPs are effectively reducing and/or eliminating pollutants at the facility. *See id.*; *see also id.*, Section B(4).

Sections B(3) through B(16) of the Storm Water Permit set forth the M&RP requirements. Specifically, Section B(3) requires dischargers to conduct quarterly visual observations of all drainage areas within their facility for the presence of authorized and unauthorized non-storm water discharges. Section B(4) requires dischargers to conduct visual observations of storm water discharges during the first hour of discharge of at least one storm event per month during the Wet Season (October 1-May 30) at each discharge point. Sections B(3) and B(4) further require dischargers to document the presence of any floating or suspended material, oil and grease ("O&G"), discolorations, turbidity, odor, and the source of any pollutants when conducting observations. Dischargers must maintain records of observations, observation dates, locations observed, and responses taken to eliminate unauthorized non-storm water discharges and to reduce or prevent pollutants from contacting non-storm water and storm water discharges. Storm Water Permit, Sections B(3) and B(4). Dischargers must also revise the SWPPP to ensure that BMPs are effectively reducing and/or eliminating pollutants at the facility. *Id.*; Section B(4).

The SBS Facility Owners and/or Operators failed to conduct the quarterly visual observations of unauthorized and authorized non-storm water discharges as required by Section B(3) of the Storm Water Permit. For example, during the 2010-2011, 2011-2012, and 2012-2013 reporting years, SBS Facility Owners and/or Operators failed to complete quarterly visual observations of unauthorized and authorized non-storm water discharges.

The SBS Owners and/or Operators have been conducting operations at the SBS Facility with an inadequately developed, implemented and/or revised M&RP. For example, the SBS Facility Owners and/or Operators repeatedly documented observing pollutants on the monthly visual observation of storm water discharge form, and describing the discharge's characteristics, but did not document the source(s) of the pollutants or the response taken to reduce or prevent pollutants in storm water discharges. The failure to conduct complete storm water discharge visual observations is a violation of Section B(4) of the Storm Water Permit.

Sections B(5) and (7) of the Storm Water Permit require dischargers to visually observe and collect samples during the first hour of discharge from the first storm event of the wet season and at least one other storm event during the wet season. Section B(5) also requires samples to be collected at each discharge point. Storm water samples shall be analyzed for TSS, pH, specific conductance, and TOC or O&G, toxic chemicals and other pollutants likely to be present in significant quantities in storm water discharges. *Id.*, Section B(5)(c)(i-ii). The SBS Facility, as a structural steel fabrication facility classified under SIC code 3441, must also analyze storm water samples for zinc, iron, aluminum, and nitrate + nitrite. *See id.*, Section B(5)(c)(iii); *see also* Storm Water Permit, Table D, Sector AA.



Additionally, SBS Facility Owners and/or Operators have failed to collect storm water samples during the first hour of discharge from the first storm event of the Wet Season. *See* Storm Water Permit, Section B(5). For example, the SBS Facility Owners and/or Operators submitted a monthly visual observation of storm water discharges in the 2013-2014 Annual Report which documented the Maintenance Foreman observing pollutants discharging from Outfalls #1 and #2 on October 9, 2013. The same individual reported observing pollutants discharging from Outfalls #1 and #2 on November 22, 2013 and December 19, 2013. On December 19, 2013, the Annual Report states the SBS Facility's discharges began at 11:00 am, the observation was made at 1:00 pm, and the sample was collected at 4:00pm. When SBS Facility Owners and/or Operators collected storm water samples, they were not collected from the first storm event of the Wet Season and were not drawn during the first hour of discharge.

The SBS Facility Owners and/or Operators are in violation of the Storm Water Permit for failing to analyze storm water samples for all required parameters. *See* Storm Water Permit, Section B(5)(c). Specifically, the SBS Facility Owners and/or Operators have failed and continue to fail to analyze storm water discharges from the SBS Facility for copper and lead.

Finally, the SBS Facility Owner's and/or Operator's failure to conduct sampling and monitoring as required by the Storm Water Permit demonstrates that it has failed to develop, implement, and/or revise an M&RP that complies with the requirements of Section B and Provision E(3) of the Storm Water Permit. Every day that the SBS Facility Owners and/or Operators conduct operations in violation of the specific monitoring and reporting requirements of the Storm Water Permit, or with an inadequately developed, implemented, and/or revised M&RP, is a separate and distinct violation of the Storm Water Permit and the Clean Water Act. The SBS Facility Owners and/or Operators have been in daily and continuous violation of the Storm Water Permit's M&RP requirements every day since at least April 17, 2010. These violations are ongoing, and Waterkeeper will include additional violations as information and data become available. The SBS Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since April 17, 2010.

E. Failure to Comply with the Storm Water Permit's Reporting Requirements.

Section B(14) of the Storm Water Permit requires a permittee to submit an Annual Report to the Regional Board by July 1 of each year. The Storm Water Permit, in relevant part, requires that the Annual Report include the following: 1) a summary of visual observations and sampling results; 2) an evaluation of the visual observation, sampling and analysis results, and laboratory reports; and 3) the Annual Comprehensive Site Compliance Evaluation ("ACSCE"). Section B(14). As part of the ACSCE, the facility operator shall review and evaluate all of the BMPs to determine whether they are adequate or whether SWPPP revisions are needed. *See* Storm Water Permit, Section A(9). The Annual Report shall be signed and certified by a duly authorized representative, under penalty of law that the information submitted is true, accurate, and complete to the best of his/her knowledge. *See* Storm Water Permit, Sections B(14), C(9), and C(10).



The SBS Owners and/or Operators have failed to comply with the reporting requirements under the Storm Water Permit. For example, SBS Facility Owners and/or Operators certify in their Annual Reports that: (1) a complete Annual Comprehensive Site Compliance Evaluation was done pursuant to Section A(9) of the Storm Water Permit; (2) the SWPPP's BMPs address existing potential pollutant sources; and (3) the SWPPP complies with the Storm Water Permit, or will otherwise be revised to achieve compliance. However, information available to Waterkeeper, including a review of the Regional Board's files and the SBS Facility storm water sampling data, indicated that when these certifications were made they were erroneous because ACSCE that complies with the Storm Water Permit was not conducted, the SWPPP was not evaluated as required, and/or because the BMPs were not evaluated or revised as required. For example, the SBS Owners and/or Operators answered "yes" to all questions in Section H: ACSCE Checklist of the Storm Water Permit, such as agreeing the SWPPP was reviewed to assure that its BMPs addressing existing potential pollutants sources and industrial activity areas are up to date and in compliance with the Storm Water Permit, despite numerous instances of noncompliance during current and previous Wet Seasons.

Additionally, the SBS Facility Owners and/or Operators have failed to conduct visual observations of authorized non-storm water discharges as required by Section B(3) of the Permit. For example, the SBS Facility Owners and/or Operators failed to report the date of any visual observations of authorized or unauthorized non-storm water discharges (forms 2 and 3 of the Annual Report) in the 2009-2010, 2010-2011, 2011-2012 and 2012-2013 Annual Reports. Because the SBS Facility Owners and/or Operators failed to take visual observations of unauthorized and authorized non-storm water discharges as required, they also failed to document the presence of any floating or suspended material, O&G, discolorations, turbidity, odor or the source of any pollutants, in violation of Section B(3) of the Storm Water Permit.

Further, the SBS Facility Owners and/or Operators have submitted inaccurate Annual Reports. For example, the SBS Facility Owners and/or Operators failed to sample the first rain event during the 2011-2012 wet season, yet SBS Facility Owners and/or Operators certified collecting the the first rain event of the wet season in the 2011-2012 Annual Report. The 2011-2012 Annual Report states the first storm water sample was collected on November 21, 2011. The nearest rain gauge to SBS recorded rain events on October 5 (Wednesday) and October 25 (Tuesday), as well as November 4 (Friday) and November 6 (Sunday). As another example of inaccurate reporting, the SBS Facility Owners and/or Operators stated that the first rain event of the 2012-2013 wet season was sampled. However, when compared with Attachment A, the Annual Report's certification that the November 30, 2012 sample was the first storm event of the wet season is inaccurate. Submitting an inaccurate annual report is a violation of Sections C(9) and C(10) of the Storm Water Permit.

SBS Facility Owners and/or Operators have also failed and continue to submit incomplete Annual Reports without necessary explanations. Section A(5) requires the first storm event of the wet season be sampled, and if the operator cannot sample the first storm event, then explain in the Annual Report why it was not sampled. Section A(5) also details the required analysis for every sample collected under the Storm Water Permit. Information available to Waterkeeper indicates SBS Facility Owners and/or Operators have failed to provide explanations



justifying why the first storm event of the wet season was not sampled. As such, the SBS Facility Owners and/or Operators are in daily violation of this requirement of the Storm Water Permit.

In addition, the SBS Facility Owners and/or Operators have failed to submit mandatory noncompliance reports to the Regional Board under the terms of the Storm Water Permit. Section C(11)(d) of the Storm Water Permit requires the facility operator to report any noncompliance at the time monitoring reports are submitted. The reports must contain (1) a description of the noncompliance and its cause; (2) the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and (3) steps taken or planned to reduce and prevent recurrence of the noncompliance. The SBS Owners and/or Operators have not included the required noncompliance reports with their Annual Reports. For example, the required explanations are not included after sampling data indicates storm water discharges contain elevated levels of pollutants and the ACSCE potential pollutant source/industrial activity BMP status form (Form 5) states additional or revised BMPs are not necessary. Nothing in the Annual Reports is proposed to prevent noncompliance from continuing, its cause, or its duration.

Finally, the Storm Water Permit requires a permittee whose discharge exceeds the Storm Water Permit Receiving Water Limitations to submit a written report identifying what additional BMPs will be implemented to achieve water quality standards. Storm Water Permit, Receiving Water Limitations C(3) and C(4). Information available to Waterkeeper indicates that the SBS Facility Owners and/or Operators have failed to submit the reports required by Receiving Water Limitations C(3) and C(4) of the Storm Water Permit. As such, the SBS Facility Owners and/or Operators are in daily violation of this requirement of the Storm Water Permit.

Each of the failures to report discussed above is a violation of the Storm Water Permit, and indicates a continuous and ongoing failure to comply with the Storm Water Permit's reporting requirements. The SBS Facility Owners and/or Operators have been, and will continue to be, in daily and continuous violation of the Storm Water Permit's reporting requirements until their reporting complies with the Permit. Every day that SBS Facility Owners and/or Operators operate the SBS Facility without reporting as required by the Storm Water Permit is a separate and distinct violation of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). These violations are ongoing and Waterkeeper will update the number of violations throughout this enforcement action. The SBS Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since April 17, 2010.

IV. RELIEF SOUGHT FOR VIOLATIONS OF THE CLEAN WATER ACT

Pursuant to Section 309(d) of the Clean Water Act, 33 U.S.C. § 1319(d), and the Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. § 19.4, each separate violation of the Clean Water Act subjects the violator to a penalty for all violations occurring during the period commencing five years prior to the date of the Notice Letter. These provisions of law authorize civil penalties of up to \$37,500 per day per violation for all Clean Water Act violations after January 12, 2009. In addition to civil penalties, Waterkeeper will seek injunctive relief preventing further violations of the Clean Water Act pursuant to Sections 505(a) and (d), 33



U.S.C. § 1365(a) and (d), declaratory relief, and such other relief as permitted by law. Lastly, pursuant to Section 505(d) of the Clean Water Act, 33 U.S.C. § 1365(d), Waterkeeper will seek to recover its costs, including attorneys' and experts' fees, associated with this enforcement action.

V. CONCLUSION

Waterkeeper is willing to discuss effective remedies for the violations described in this Notice Letter. However, upon expiration of the 60-day notice period, Waterkeeper will file a citizen suit under Section 505(a) of the Clean Water Act for the SBS Facility Owners' and/or Operators' violations of the Storm Water Permit. Please direct all communications to Waterkeeper's legal counsel at:

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Sincerely,



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ATTACHMENT A

Rain Data- Qualifying Storm Events¹ Near the San Bernardino Steel Facility²

Date	Precipitation (Inches)	Date	Precipitation (Inches)	Date	Precipitation (Inches)
4.12.2010	1.29	3.20.2011	1.25	3.31.2012	.33
4.20.2010	.17	3.21.2011	2.02	4.1.2012	.45
4.21.2010	.35	3.23.2011	.42	4.11.2012	.68
4.22.2010	.51	3.24.2011	.42	4.13.2012	1.35
4.23.2010	.1	3.25.2011	2.03	4.14.2012	.31
4.28.2010	.48	3.27.2011	.67	4.26.2012	.39
5.23.2010	.2	4.8.2011	.12	11.8.2012	.17
10.6.2010	.2	4.18.2011	.13	11.9.2012	.31
10.25.2010	.51	4.19.2011	.11	11.10.2012	.14
10.30.2010	.16	5.15.2011	.21	11.17.2012	.35
11.8.2010	.36	5.17.2011	.4	11.18.2012	.31
11.20.2010	2.46	5.18.2011	.51	11.29.2012	.71
11.21.2010	.71	5.29.2011	.12	11.30.2012	1.57
12.5.2010	.47	10.5.2011	3.3	12.1.2012	.19
12.6.2010	.82	10.25.2011	.1	12.2.2012	.62
12.15.2010	.17	11.4.2011	.48	12.3.2012	.56
12.16.2010	.22	11.6.2011	.19	12.12.2012	.39
12.17.2010	1.52	11.12.2011	.23	12.13.2012	2.32
12.18.2010	1.67	11.20.2011	1.45	12.15.2012	.12
12.25.2010	.22	11.21.2011	.82	12.17.2012	.14
12.26.2010	.63	12.12.2011	.69	12.18.2012	1.57
12.29.2010	.53	12.13.2011	.16	12.24.2012	.54
1.2.2011	.59	1.21.2012	1.64	12.26.2012	.55
1.3.2011	.66	1.23.2012	.43	12.29.2012	.29
1.30.2011	.45	2.11.2012	.11	1.10.2013	.37
1.31.2011	.1	2.13.2012	.61	1.24.2013	.57
2.16.2011	.96	2.15.2012	.41	1.25.2013	.53
2.18.2011	.58	2.27.2012	.76	1.26.2013	.14
2.19.2011	.91	2.28.2012	1.08	1.27.2013	.15
2.20.2011	.71	3.17.2012	1.99	1.28.2013	.13
2.25.2011	.66	3.18.2012	.99	2.8.2013	.44
2.26.2011	2.21	3.19.2012	.39	2.9.2013	.52
3.7.2011	.84	3.25.2012	1.08	2.19.2013	.45
3.19.2011	.47	3.26.2012	1.2	2.20.2013	.64

¹ This chart shows storm events that are 0.1 inches of rainfall in a 24-hour period

² This chart uses rain data from a rain gauge located at N 34 ° 13 ' 15 " , W 117 ° 24 ' 14 " in San Bernardino near where the 15 and 215 freeways meet. This data is available at <http://www.wunderground.com/personal-weather-station/dashboard?ID=MDVOC1#history>

ATTACHMENT A

Date	Precipitation (Inches)
3.7.2013	.48
3.8.2013	.75
4.8.2013	.42
4.15.2013	.43
5.6.2013	.22
10.9.2013	.76
10.10.2013	.39
10.28.2013	.21
11.16.2013	.16
11.21.2013	2.16
11.22.2013	.71
12.3.2013	.22
12.4.2013	.22
12.7.2013	1.19
12.19.2013	.48
12.20.2013	.27
1.30.2014	.18
1.31.2014	.18
2.6.2014	.16
2.7.2014	.19
2.27.2014	.95
2.28.2014	2.96
3.1.2014	1.66
3.26.2014	.7
3.27.2014	.29
4.20.2014	.12
10.31.2014	.13
11.1.2014	1.14
11.21.2014	.13
11.30.2014	.77
12.1.2014	.38
12.2.2014	2.31
12.3.2014	1.67
12.4.2014	2.05

Date	Precipitation (Inches)
12.12.2014	1.82
12.13.2014	.11
12.16.2014	.26
12.17.2014	1.11
12.30.2014	.13
12.31.2014	.13
1.11.2015	.6
1.26.2015	.41
1.27.2015	.21
2.22.2015	1.09
2.23.2015	1.04
2.28.2015	.11
3.2.2015	.16

ATTACHMENT B

San Bernardino Steel – Storm Water Sample Exceedance Chart

Date of Sample Collection	Sample Location	Parameter	Result	Unit	Benchmark	Magnitude of Benchmark Exceedance	California Toxics Rule/WQO	Magnitude of CTR/WQO Exceedance
2010-2011 Wet Season								
12/20/2010	Outfall 1	Zn	0.19	mg/L	0.11	1.73	0.12	1.58
12/20/2010	Outfall 1	N	4.7	mg/L	0.68	6.91	none	N/A
12/20/2010	Outfall 1	EC	310	mg/L	200	1.55	none	N/A
12/20/2010	Outfall 1	Al	2.5	mg/L	0.75	3.34	none	N/A
12/20/2010	Outfall 1	Fe	3.6	mg/L	1	3.6	none	N/A
12/20/2010	Outfall 2	TSS	420	mg/L	100	4.2	none	N/A
12/20/2010	Outfall 2	pH	8.6	S.U.	6.0-9.0	N/A	6.5-8.5	N/A
12/20/2010	Outfall 2	Al	13	mg/L	0.75	17.34	none	N/A
12/20/2010	Outfall 2	Fe	21	mg/L	1	21	none	N/A
12/20/2010	Outfall 2	N	5.2	mg/L	0.68	7.65	none	N/A
12/20/2010	Outfall 2	Zn	1.2	mg/L	0.11	10.9	0.12	10
2/17/2011	Outfall 1	Zn	0.17	mg/L	0.11	1.55	0.12	1.42
2/17/2011	Outfall 1	Al	3.6	mg/L	0.75	4.8	none	N/A
2/17/2011	Outfall 1	Fe	5	mg/L	1	5	none	N/A
2/17/2011	Outfall 2	TSS	450	mg/L	100	4.5	none	N/A
2/17/2011	Outfall 2	Al	21	mg/L	0.75	28	none	N/A
2/17/2011	Outfall 2	Fe	29	mg/L	1	29	none	N/A
2/17/2011	Outfall 2	N	1.2	mg/L	0.68	1.76	none	N/A
2/17/2011	Outfall 2	Zn	0.65	mg/L	0.11	5.91	0.12	5.42
2011-2012 Wet Season								
11/21/2011	Outfall 1	Al	0.97	mg/L	0.75	1.29	none	N/A
11/21/2011	Outfall 1	Fe	1.2	mg/L	1	1.2	none	N/A
11/21/2011	Outfall 1	N	0.86	mg/L	0.68	1.26	none	N/A
11/21/2011	Outfall 2	N	1.3	mg/L	0.68	1.91	none	N/A
11/21/2011	Outfall 2	TSS	150	mg/L	100	1.5	none	N/A
11/21/2011	Outfall 2	Al	3.8	mg/L	0.75	5.1	none	N/A
11/21/2011	Outfall 2	Zn	0.44	mg/L	0.11	4	0.12	3.67
1/21/2012	Outfall 1	Al	1.5	mg/L	0.75	2	none	N/A
1/21/2012	Outfall 1	Fe	2.1	mg/L	1	2.1	none	N/A
1/21/2012	Outfall 1	N	0.86	mg/L	0.68	1.26	none	N/A
1/21/2012	Outfall 2	Al	13	mg/L	0.75	17.34	none	N/A
1/21/2012	Outfall 2	Fe	22	mg/L	1	22	none	N/A
1/21/2012	Outfall 2	Zn	0.53	mg/L	0.11	4.82	0.12	4.42

1/21/2012	Outfall 2	N	1.9	mg/L	0.68	2.79	none	N/A
2012-2013 Wet Season								
11/30/2012	Outfall 1	TSS	161	mg/L	100	1.61	none	N/A
11/30/2012	Outfall 1	Al	2.6	mg/L	0.75	3.47	none	N/A
11/30/2012	Outfall 1	Fe	3.2	mg/L	1	3.2	none	N/A
11/30/2012	Outfall 1	N	0.84	mg/L	0.68	1.24	none	N/A
11/30/2012	Outfall 2	TSS	170	mg/L	100	1.7	none	N/A
11/30/2012	Outfall 2	Al	6.3	mg/L	0.75	8.4	none	N/A
11/30/2012	Outfall 2	Fe	9.3	mg/L	1	9.3	none	N/A
11/30/2012	Outfall 2	Zn	0.7	mg/L	0.11	6.36	0.12	5.83
11/30/2012	Outfall 2	N	1.5	mg/L	0.68	2.21	none	N/A
12/26/2012	Outfall 1	Al	1.5	mg/L	0.75	2	none	N/A
12/26/2012	Outfall 1	Fe	2.1	mg/L	1	2.1	none	N/A
12/26/2012	Outfall 1	N	0.89	mg/L	0.68	1.31	none	N/A
12/26/2012	Outfall 2	Fe	9.2	mg/L	1	9.2	none	N/A
12/26/2012	Outfall 2	Zn	0.42	mg/L	0.11	3.82	0.12	3.5
12/26/2012	Outfall 2	Al	6.2	mg/L	0.75	8.3	none	N/A
12/26/2012	Outfall 2	N	1.3	mg/L	0.68	1.91	none	N/A
12/26/2012	Outfall 2	TSS	200	mg/L	100	2	none	N/A
2013-2014 Wet Season								
12/19/2013	Outfall 1	TSS	130	mg/L	100	1.3	none	N/A
12/19/2013	Outfall 1	Al	3.2	mg/L	0.75	4.3	none	N/A
12/19/2013	Outfall 1	Fe	5	mg/L	1	5	none	N/A
12/19/2013	Outfall 1	Zn	0.21	mg/L	0.11	1.91	0.12	1.75
12/19/2013	Outfall 2	TSS	660	mg/L	100	6.6	none	N/A
12/19/2013	Outfall 2	pH	8.8	mg/L	6.0-9.0	N/A	6.5-8.5	N/A
12/19/2013	Outfall 2	Al	18	mg/L	0.75	24	none	N/A
12/19/2013	Outfall 2	Fe	30	mg/L	1	30	none	N/A
12/19/2013	Outfall 2	N	0.83	mg/L	0.68	1.22	none	N/A
12/19/2013	Outfall 2	Zn	1.1	mg/L	0.11	10	0.12	9.17
2/28/2014	Outfall 1	Al	3.3	mg/L	0.75	4.4	none	N/A
2/28/2014	Outfall 1	Fe	5.2	mg/L	1	5.2	none	N/A
2/28/2014	Outfall 1	N	0.8	mg/L	0.68	1.18	none	N/A
2/28/2014	Outfall 1	Zn	0.14	mg/L	0.11	1.27	0.12	1.17
2/28/2014	Outfall 2	Al	22	mg/L	0.75	29.3	none	N/A
2/28/2014	Outfall 2	Fe	38	mg/L	1	38	none	N/A
2/28/2014	Outfall 2	Zn	1.4	mg/L	0.11	12.73	0.12	11.67
2/28/2014	Outfall 2	N	0.81	mg/L	0.68	1.19	none	N/A
2/28/2014	Outfall 2	pH	8.6	S.U.	6.0-9.0	N/A	6.5-8.5	N/A
2/28/2014	Outfall 2	TSS	800	mg/L	100	8	none	N/A